

REMARKS

Reconsideration and allowance of this application, as amended, is respectfully requested.

By the present amendment, the dependent claims have been amended to change the introductory phrase "A semiconductor device" to "The semiconductor device." Therefore, reconsideration and removal of the 35 USC 112, 2nd paragraph, rejection is respectfully requested.

Reconsideration and removal of the 35 USC 251 rejection of claims 104-138 as being based on a defective declaration is also respectfully requested. In the Office Action, it is noted that claim 26 referred to in the declaration, has been canceled and that the error specified is not specific enough since it describes the error in terms of new claims and not the original patent claims. Applicants respectfully traverse this since the declaration filed on October 19, 2006 clearly specifies that the original claims contained an error in that they "claimed less than applicants were entitled to claim by failing to claim the subject matter in the broadened new claims 26-90." Although the broadened new claims 26-90 have now been canceled, the same distinction between the pending new claims and the original claims still exists. Further, it is noted that the original claims 1 and 11 were too narrow because they included the limitation of "the semiconductor pellet is mounted faced down on the rigid substrate." Original independent claims 14 and 22 limited the invention to a resin member ceiling the semiconductor pellet. As such, in each instance, the declaration specified the "error" in the original claim by virtue of the more limiting language. Therefore, reconsideration and removal of the 35 USC

251 rejection of the claims based on the allegedly defective declaration is respectfully requested.

Now withstanding this traversal, in order to expedite the allowance of the present reissue application, a new declaration has been prepared adopting suggestions made in the Office Action. Applicants are in the process of obtaining the signatures of all of the inventors, but this has not yet been completed since one of the inventors has retired. In any, the declaration will be filed as a supplemental response once all of the signatures have been obtained.

Turning to the prior art rejection set forth in the Office Action, reconsideration and removal of the prior art rejection is also requested since the prior art rejection requires the Akram patent, (USP 5,674,785) which has an earliest effective filing date of November 27, 1995. It is noted that the present application is entitled to the benefit of Japanese document JP 6-31644, filed on December 20, 1994, and JP 7-126405, filed on May 25, 1995. As such, Akram is unavailable as a reference in the present matter. Since the prior art rejection set forth beginning on page 5 of the Office Action requires Akram, reconsideration and removal of this rejection is earnestly solicited.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Antonelli, Terry, Stout & Kraus, LLP Deposit Account No. 01-2135 (Docket No. 1374.34189CR2), and please credit any excess fees to such deposit account.

Very truly yours,
Antonelli, Terry, Stout & Kraus, LLP

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